

1 BURNHAM BROWN
2 Robert M. Bodzin, State Bar No. 201327
P.O. Box 119
3 Oakland, CA 94604
Telephone: (510) 835-6833
Facsimile: (510) 835-6666
rbodzin@BurnhamBrown.com
4

5 [Additional Counsel Listed on Signature Page]

6 Attorneys for Plaintiffs

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO/OAKLAND DIVISION

10
11 WILLIAM HELM, DEBORAH PRISE,) Case No. CV 08-1184-SI
HEATHER P. RADY, et al., on behalf of)
12 themselves and all other employees and former) **STIPULATION TO FILE DOCUMENT**
employees similarly situated,) **UNDER SEAL; [PROPOSED] ORDER**
13)
Plaintiffs,) & C-09-1190 SI
14)
v.)
15)
ALDERWOODS GROUP, INC.,)
16)
Defendant.)
17 _____)

18
19
20
21
22
23
24
25
26
27
28

STIPULATION

Previously, Plaintiffs and Defendants agreed to, and the Court entered, a Stipulated Protective Order Pursuant to Fed. R. Civ. P. 26(C). (*Bryant* Docket No. 112; *Helm* Docket No. 124). That Protective Order, *inter alia*, set out a procedure permitting parties to designate certain discovery materials “CONFIDENTIAL.” In response to discovery demands in this case, Defendants have designated certain documents “CONFIDENTIAL” pursuant to the Protective Order, and Plaintiffs have not currently challenged some of those designations.

Pursuant to Civil Local Rules 79-5 and 7-12, Plaintiffs and Defendants in these matters, through their undersigned counsel, hereby stipulate that in responding to Defendants' pending motions to dismiss, Plaintiffs may file under seal pursuant to the Protective Order the following documents, each of which has been designated "CONFIDENTIAL" by Defendants:

1. SCI Cash Balance Plan, bates number SCI(BRY) 00196 - 00271
 2. “SCI 401(K) Retirement Savings Plan” Documents, bates number SCI(BRY) 00015 - 00195
 3. Employee Handbooks, bates number SCI(BRY) 00272 - 00410
 4. Flowcharts, bates number SCI(BRY) 00411 - 00414
 5. Written agreements executed by Curtis Briggs, bates number CBRIGGS 0009 – 0029
 6. Transcript of the deposition of Thomas Ryan taken on April 22, 2009
 7. Plaintiffs’ Opposition to Defendants’ Motion to Dismiss Amended Complaint Pursuant to FRCP 12(b)(6) (Lack of *In Personam* Jurisdiction) or, Alternatively, FRCP 12(b)(6) (Failure to State a Claim Upon Which Relief Can be Granted), which describes and quotes from materials Defendants have designated as “CONFIDENTIAL”
 8. Plaintiffs’ Consolidated Declaration of Sarah Cressman in Opposition to Defendants’ Motions to Dismiss, for Partial Judgment on the Pleadings, and to Strike and Require a More Definite Statement and Motions for Stay and Award of Attorney Fees and Costs Pursuant to FRCP 41(d), which describes and quotes from materials Defendants have designated as “CONFIDENTIAL”

**STIPULATION TO FILE DOCUMENTS UNDER SEAL; [PROPOSED] ORDER
Case No. CV 08-1184**

1 **AGREED TO:**
2
3

4 /s/ Annette Gifford

5 Thomas & Solomon LLP
6 693 East Avenue
7 Rochester, New York 14607
8 Telephone: (585) 272-0540

9 Attorneys for Plaintiffs

10 /s/ Nicholas P. Forestiere

11 Gurnee & Daniels LLP
12 2240 Douglas Boulevard, Suite 150
13 Roseville, California 95661
14 Telephone: (916) 797-3100

15 Attorneys for Defendants

16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION TO FILE DOCUMENTS UNDER SEAL; [PROPOSED] ORDER
Case No. CV 08-1184

ORDER

Pursuant to the Stipulation of counsel and good cause appearing, the Court hereby orders that, in responding to Defendants' pending motions to dismiss, Plaintiffs may file under seal pursuant to the Protective Order the following documents, each of which has been designated "CONFIDENTIAL" by Defendants:

1. SCI Cash Balance Plan, bates number SCI(BRY) 00196 - 00271
 2. “SCI 401(K) Retirement Savings Plan” Documents, bates number SCI(BRY) 00015 - 00195
 3. Employee Handbooks, bates number SCI(BRY) 00272 - 00410
 4. Flowcharts, bates number SCI(BRY) 00411 - 00414
 5. Written agreements executed by Curtis Briggs, bates number CBRIGGS 0009 – 0029
 6. Transcript of the deposition of Thomas Ryan taken on April 22, 2009
 7. Plaintiffs’ Opposition to Defendants’ Motion to Dismiss Amended Complaint Pursuant to FRCP 12(b)(6) (Lack of *In Personam* Jurisdiction) or, Alternatively, FRCP 12(b)(6) (Failure to State a Claim Upon Which Relief Can be Granted), which describes and quotes from materials Defendants have designated as “CONFIDENTIAL”
 8. Plaintiffs’ Consolidated Declaration of Sarah Cressman in Opposition to Defendants’ Motions to Dismiss, for Partial Judgment on the Pleadings, and to Strike and Require a More Definite Statement and Motions for Stay and Award of Attorney Fees and Costs Pursuant to FRCP 41(d), which describes and quotes from materials Defendants have designated as “CONFIDENTIAL”

IT IS SO ORDERED:

Susan Dillston

Honorable Susan Illston

United States District Court

**STIPULATION TO FILE DOCUMENTS UNDER SEAL; [PROPOSED] ORDER
Case No. CV 08-1184**